

SENATE BILL No. 552

DIGEST OF INTRODUCED BILL

Citations Affected: IC 3-5-3.5; IC 3-11; IC 3-14-3-16.

Synopsis: Satellite offices. Requires a county election board to establish one satellite office in a county for each 35,000 registered voters in the county during a year in which a general election is held. Limits the number of required satellite offices in each county to five. Provides that the county election board may adopt a resolution to establish the hours of the satellite offices and other provisions the board considers useful in operating the satellite offices. Provides that if the county election board does not adopt a resolution, the satellite offices must be open during the same hours that the circuit court clerk's office is open for casting absentee ballots. Requires the procedure for casting an absentee ballot at a satellite office to be substantially the same as the procedure for casting an absentee ballot in the office of the circuit court clerk. Provides for the state to reimburse a county's actual direct costs in the operation of the required satellite offices. Appropriates money from the state general fund to pay for reimbursement of the county costs. Makes technical changes.

Effective: July 1, 2009.

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January 15, 2009, read first time and referred to Committee on Elections.

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First Regular Session 116th General Assembly (2009)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2008 Regular Session of the General Assembly.

SENATE BILL No. 552

A BILL FOR AN ACT to amend the Indiana Code concerning elections and to make an appropriation.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 3-5-3.5 IS ADDED TO THE INDIANA CODE AS
2 A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2009]:

4 **Chapter 3.5. State Payment for Operation of Satellite Offices**

5 **Sec. 1. (a) As used in this chapter, "satellite office" refers only**
6 **to a satellite office that a county election board is required to**
7 **establish under IC 3-11-10-26.4.**

8 **(b) The term does not include either of the following:**

9 **(1) The operation of the circuit court clerk's office for casting**
10 **absentee ballots in the clerk's office under IC 3-11-10-26.**

11 **(2) A satellite office that a county election board establishes**
12 **under IC 3-11-10-26.3.**

13 **Sec. 2. (a) After the general election in a general election year,**
14 **the circuit court clerk may apply to the budget agency for**
15 **reimbursement of all actual direct costs incurred by the county**
16 **during the year for operation of satellite offices in the county.**

17 **(b) An application for reimbursement must be submitted to the**



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1 budget agency not later than December 31 of the year for which
2 the county seeks reimbursement.

3 **Sec. 3. To receive reimbursement under this chapter, the circuit**
4 **court clerk must make an application to the budget agency in the**
5 **form required by the budget agency. The budget agency shall**
6 **review an application submitted under this section for accuracy,**
7 **completeness, and compliance with this chapter. If the budget**
8 **agency finds that the application is accurate and complete and**
9 **complies with this chapter, the budget agency shall approve the**
10 **application and pay the amount of the reimbursement claimed in**
11 **the application.**

12 **Sec. 4. There is appropriated from the state general fund an**
13 **amount sufficient to reimburse the actual direct costs incurred by**
14 **counties for the operation of satellite offices.**

15 SECTION 2. IC 3-11-4-1 IS AMENDED TO READ AS FOLLOWS
16 [EFFECTIVE JULY 1, 2009]: Sec. 1. (a) A voter who is otherwise
17 qualified to vote in person is entitled to vote by absentee ballot. Except
18 as otherwise provided in this article, a voter voting by absentee ballot
19 must vote in the office of the circuit court clerk (or board of elections
20 and registration in a county subject to IC 3-6-5.2) or at a satellite office
21 established under ~~IC 3-11-10-26.3~~ **IC 3-11-10.**

22 (b) A county election board, by unanimous vote of its entire
23 membership, may authorize a person who is otherwise qualified to vote
24 in person to vote by absentee ballot if the board determines that the
25 person has been hospitalized or suffered an injury following the final
26 date and hour for applying for an absentee ballot that would prevent the
27 person from voting in person at the polls.

28 (c) The commission, by unanimous vote of its entire membership,
29 may authorize a person who is otherwise qualified to vote in person to
30 vote by absentee ballot if the commission determines that an
31 emergency prevents the person from voting in person at a polling place.

32 (d) The absentee ballots used in subsection (b) or (c) must be the
33 same official absentee ballots as described in section 12 and 13 of this
34 chapter. Taking into consideration the amount of time remaining before
35 the election, the commission shall determine whether the absentee
36 ballots are transmitted to and from the voter by mail or personally
37 delivered. An absentee ballot that is personally delivered shall comply
38 with the requirements in sections 19, 20, and 21 of this chapter.

39 SECTION 3. IC 3-11-10-26, AS AMENDED BY P.L.164-2006,
40 SECTION 109, IS AMENDED TO READ AS FOLLOWS
41 [EFFECTIVE JULY 1, 2009]: Sec. 26. (a) As an alternative to voting
42 by mail, a voter is entitled to cast an absentee ballot before an absentee

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voter board:

(1) in the office of the circuit court clerk (or board of elections and registration in a county subject to IC 3-6-5.2); or

(2) at a satellite office established under section 26.3 **or 26.4** of this chapter.

(b) The voter must:

(1) sign an application on the form prescribed by the commission under IC 3-11-4-5.1; and

(2) provide proof of identification;

before being permitted to vote. The application must be received by the circuit court clerk not later than the time prescribed by IC 3-11-4-3.

(c) The voter may vote before the board not more than twenty-nine (29) days nor later than noon on the day before election day.

(d) An absent uniformed services voter who is eligible to vote by absentee ballot in the circuit court clerk's office under IC 3-7-36-14 may vote before the board not earlier than twenty-nine (29) days before the election and not later than noon on election day. If a voter described by this subsection wishes to cast an absentee ballot during the period beginning at noon on the day before election day and ending at noon on election day, the county election board or absentee voter board may receive and process the ballot at a location designated by resolution of the county election board.

(e) The absentee voter board in the office of the circuit court clerk must permit voters to cast absentee ballots under this section for at least seven (7) hours on each of the two (2) Saturdays preceding election day.

(f) Notwithstanding subsection (e), in a county with a population of less than twenty thousand (20,000), the absentee voter board in the office of the circuit court clerk, with the approval of the county election board, may reduce the number of hours available to cast absentee ballots under this section to a minimum of four (4) hours on each of the two (2) Saturdays preceding election day.

(g) As provided by 42 U.S.C. 15481, a voter casting an absentee ballot under this section must be:

(1) permitted to verify in a private and independent manner the votes selected by the voter before the ballot is cast and counted;

(2) provided with the opportunity to change the ballot or correct any error in a private and independent manner before the ballot is cast and counted, including the opportunity to receive a replacement ballot if the voter is otherwise unable to change or correct the ballot; and

(3) notified before the ballot is cast regarding the effect of casting

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multiple votes for the office and provided an opportunity to correct the ballot before the ballot is cast and counted.

(h) As provided by 42 U.S.C. 15481, when an absentee ballot is provided under this section, the board must also provide the voter with:

(1) information concerning the effect of casting multiple votes for an office; and

(2) instructions on how to correct the ballot before the ballot is cast and counted, including the issuance of replacement ballots.

(i) If:

(1) the voter is unable or declines to present the proof of identification; or

(2) a member of the board determines that the proof of identification provided by the voter does not qualify as proof of identification under IC 3-5-2-40.5;

the voter shall be permitted to cast an absentee ballot and the voter's absentee ballot shall be treated as a provisional ballot.

SECTION 4. IC 3-11-10-26.4 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 26.4. (a) This section applies only in a year in which a general election is held.**

(b) The county election board shall establish:

(1) one (1) satellite office for each thirty-five thousand (35,000) registered voters in the county; and

(2) not more than five (5) satellite offices;

where voters may cast absentee ballots before an absentee voter board.

(c) The county election board shall locate a satellite office in each municipality in the county, beginning with the municipality that has the greatest population and establishing a satellite office in the municipality with the next greatest population until all of the satellite offices required by this section have been established in a municipality. If this section requires more satellite offices to be established than the county has municipalities, the county election board may locate the remaining satellite offices at any location in the county that will provide the greatest convenience to the voters of the county.

(d) The county election board may adopt a resolution under this section to state:

(1) the hours at which absentee voting may occur at the satellite offices; and

(2) subject to subsection (e), other provisions the board considers useful in operating the satellite offices.

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If the county election board does not adopt a resolution under this subsection, a satellite office must be open during the same hours that the circuit court clerk's office is open for casting absentee ballots.

(e) The procedure for casting an absentee ballot at a satellite office must, except as provided in this section, be substantially the same as the procedure for casting an absentee ballot in the office of the circuit court clerk.

(f) The county election board may establish satellite offices other than those required by this section under section 26.3 of this chapter.

SECTION 5. IC 3-11-18-4, AS ADDED BY P.L.164-2006, SECTION 119, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 4. The application must include a plan for the administration of vote centers in the county. The plan must include at least the following:

- (1) The total number of vote centers to be established.
- (2) The location of each vote center, and the municipality, if any, in which the vote center is located.
- (3) A list of each municipality within the county that is entitled to conduct a municipal primary or municipal election, as of the date of the application.
- (4) The total number of voters within each municipality, as of the date of the application, and the number of those voters within each municipality designated as "active" and "inactive" according to the county voter registration office.
- (5) For each vote center designated under subdivision (2), a list of the precincts whose polls will be located at the vote center.
- (6) For each vote center designated under subdivision (2), the number of precinct election boards that will be appointed to administer an election at the vote center.
- (7) For each precinct election board designated under subdivision (6), the number and name of each precinct the precinct election board will administer.
- (8) For each vote center designated under subdivision (2), the number and title of the precinct election officers who will be appointed to serve at the vote center.
- (9) For each vote center designated under subdivision (2):
 - (A) the number and type of ballot variations that will be provided at the vote center; and
 - (B) whether these ballots will be:
 - (i) delivered to the vote center before the opening of the

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- 1 polls; or
 2 (ii) printed on demand for a voter's use.
- 3 (10) A detailed description of any hardware, firmware, or
 4 software used:
 5 (A) to create an electronic poll list for each precinct whose
 6 polls are to be located at a vote center; or
 7 (B) to establish a secure electronic connection between the
 8 county election board and the precinct election officials
 9 administering a vote center.
- 10 (11) A description of the equipment and procedures to be used to
 11 ensure that information concerning a voter entered into any
 12 electronic poll list used by precinct election officers at a vote
 13 center is immediately accessible to:
 14 (A) the county election board; and
 15 (B) the electronic poll lists used by precinct election officers
 16 at all other vote centers in the county.
- 17 (12) For each precinct designated under subdivision (5), the
 18 number of electronic poll lists to be provided for the precinct.
- 19 (13) The security and contingency plans to be implemented by the
 20 county to:
 21 (A) prevent a disruption of the vote center process; and
 22 (B) ensure that the election is properly conducted if a
 23 disruption occurs.
- 24 (14) A certification that the vote center complies with the
 25 accessibility requirements applicable to polling places under
 26 IC 3-11-8.
- 27 (15) A sketch depicting the planned layout of the vote center,
 28 indicating the location of:
 29 (A) equipment; and
 30 (B) precinct election officers;
 31 within the vote center.
- 32 (16) The total number of vote centers to be established at satellite
 33 offices that are established under ~~IC 3-11-10-26.3~~ **IC 3-11-10** to
 34 allow voters to cast absentee ballots in accordance with IC 3-11.
- 35 SECTION 6. IC 3-11-18-12, AS ADDED BY P.L.164-2006,
 36 SECTION 119, IS AMENDED TO READ AS FOLLOWS
 37 [EFFECTIVE JULY 1, 2009]: Sec. 12. Notwithstanding any other law,
 38 a voter who resides in a vote center pilot county is entitled to cast an
 39 absentee ballot at a vote center located at a satellite office of the county
 40 election board established under ~~IC 3-11-10-26.3~~ **IC 3-11-10** in the
 41 same manner and subject to the same restrictions applicable to a voter
 42 wishing to cast an absentee ballot before an absentee board located in

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the office of the circuit court clerk or board of elections and registration.

SECTION 7. IC 3-14-3-16, AS AMENDED BY P.L.164-2006, SECTION 132, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 16. (a) As used in this section, "electioneering" includes expressing support or opposition to any candidate or political party or expressing approval or disapproval of any public question in any manner that could reasonably be expected to convey that support or opposition to another individual. The term does not include expressing support or opposition to a candidate or a political party or expressing approval or disapproval of a public question in:

(1) material mailed to a voter; or

(2) a telephone or an electronic communication with a voter.

(b) A person who knowingly does any electioneering:

(1) on election day within:

(A) the polls; or

(B) the chute;

(2) within an area in the office of the circuit court clerk or a satellite office of the circuit court clerk established under ~~IC 3-11-10-26.3~~ IC 3-11-10 used by an absentee voter board to permit an individual to cast an absentee ballot; or

(3) except for a voter who is:

(A) the person's spouse;

(B) an incapacitated person (as defined in IC 29-3-1-7.5) for whom the person has been appointed the guardian (as defined in IC 29-3-1-6); or

(C) a member of the person's household;

in the presence of a voter whom the person knows possesses an absentee ballot provided to the voter in accordance with Indiana law;

commits a Class A misdemeanor.

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